

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held September 17, 2013

The business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:28 p.m. by Chairman William B. Hawk, on the above date, in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., David B. Blain, and Gary A. Crissman.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; and Watson Fisher and Ted Robertson, SWAN.

Pledge of Allegiance

Mr. Seeds led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the August 13, 2013 workshop meeting. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

No public comment was presented.

Chairman and Board Member's Comments

No comments were provided.

Manager's Report

Mr. Wolfe noted that the Board had a presentation at a recent workshop session in regards to the Lower Paxton Community Cats (LPCC) and their services. He explained that LPCC will be sponsoring two Trap and Release seminars in regards to feral and free roaming cats with the community. He noted that the purpose of the program is to instruct residents how to trap free roaming cats to be neutered or spayed, and after appropriate care is provided, release

the cats back into the wilds of the community. He noted that the seminars will be held at the Municipal Center on Wednesday, October 9, 2013 and Thursday, November 7, 2013 at 7 p.m. until 9 p.m. He noted that additional information for this program is available by calling 855-TNR-4CAT.

Mr. Wolfe noted that the Colonial Park Fire Company will sponsor a 5K Run on October 6th starting at 9:30 a.m. He noted that this run will benefit the fire company and is an event that is growing every year. He noted that prizes will be awarded for the over all top male and female runners as well as age groups for those under 15; 16-19; 20-29; 30-39; and so forth. He explained that t-shirts will be provided.

Mr. Wolfe noted that the Parks and Recreation Department will be sponsoring a pumpkin carving event at George Park on Saturday October 6th and Sunday October 7th from 6 p.m. to 8 p.m. with a fee of \$7 per pumpkin. He noted that hayrides will be conducted on October 25th through the 27th from 6 p.m. to 8 p.m. with a fee of \$3 per person.

Mr. Wolfe noted that Trick or Treat will be observed on Thursday, October 31, 2013 from 6 p.m. to 8 p.m. He noted that a full compliment of Police Officers, Fire fighters and South Central EMS will be driving around with their equipment to provide a physical presence for the safety of children.

OLD BUSINESS

Resolution 13-38; approving the leases for four police vehicles from Real Lease, Inc.

Mr. Wolfe noted that the Board acted upon the lease for police cars at its May 7th meeting; however, Real Lease has requested a resolution to accompany the action by the Board of Supervisors. He noted that the resolution has been prepared and the amount of the lease is for an amount not to exceed \$102,130.05 for a three-year term. He noted, per the previous motion, the vehicles have been secured and are ready to be placed into service.

Mr. Seeds questioned if the lease was for three or four vehicles. Mr. Wolfe answered that it was for four vehicles, three cars and one SUV. Mr. Seeds questioned if it was \$35,000 a year. Mr. Wolfe answered that was correct, for three years.

Mr. Crissman made a motion to approve Resolution 13-38; approving the leases for four police vehicles from Real Lease, Inc. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Mr. Hawk noted that he had the privileged of riding in a police car today for four hours with Officer Cover and he was totally impressed with the way the police officer handled himself. He noted that the Police Department is to be commended for its efficiency and dedication and the way it approaches the job. He wanted to thank all the police officers for their work.

NEW BUSINESS

Ordinance 13-06; amending the definition of land development within the Subdivision and Land Development Ordinance, Chapter 180 of the Codified Ordinances

Mr. Wolfe noted that the current Land Development definition in the Subdivision and Land Development Ordinance (SALDO) provides for certain exemptions of the land development provisions. He noted that one of those is the addition of an accessory building including a farm building on a lot or lots subordinate to an existing principal building. He noted that staff has had recent occasion where accessory buildings have eclipsed or equaled the size of the primary building on site although the building is truly accessory to the use that is ongoing on site. He noted that it is staff's opinion that if you have a 10,000 square foot building you shouldn't be building a 10,000 square foot accessory building or larger. He noted that staff recommends that the Board adopt a definition for exclusion of an accessory building up to 1,000 square feet and anything over a 1,000 square feet would then require the applicant to go through the land development process. He noted that the proposal is that the definition of land development would be amended to include an exclusion where such an addition for an accessory

building is not more than 1,000 square feet in area. He noted that staff picked the 1,000 square feet because under the Pennsylvania Uniform Construction Code (UCC) buildings up to 1,000 square feet are exempt from the PA UCC as well.

Mr. Wolfe noted that the Township Planning Commission has not met in the time period required to provide comments, although all Planning Commission members were provided with a copy of the ordinance. He noted that Dauphin County Planning Commission has reviewed the ordinance and requested that the Board consult its solicitor prior to adopting any definition that modified that within the Pennsylvania Municipalities Planning Code.

Mr. Wolfe noted that it would be appropriate for Mr. Stine to conduct the hearing at this time.

Mr. Seeds questioned if this is only for the detached buildings. He questioned what if an individual was building for 999 square feet and next year they wanted to build another one. Mr. Wolfe answered that you only get one shot at this. Mr. Seeds noted if they build a second building then they would have to have a land development plan. Mr. Wolfe answered yes. He explained that there is one shot for the 15% provision for an addition. He noted that this would be for any accessory building; but it would be more than one shot as long as each shot was 1,000 square feet or less. Mr. Seeds noted if a person met the setbacks, they could build more than one. Mr. Crissman noted that it states the addition of an accessory building as opposed to one.

Mr. Stine noted that this is the time and date set for the public hearing for Ordinance 13-06; amending the definition of land development in the SALDO, Chapter 180 of the codified ordinances. He questioned if anyone in the audience wished to be heard on Ordinance 13-06. Mr. Stine noted, since there was no response, it would be appropriate to close the public hearing on Ordinance 13-06, and the Board may choose to take action at this time if it so desires.

Mr. Seeds questioned Mr. Stine if he looked at the ordinance. Mr. Stine answered that he has looked at it. Mr. Seeds questioned if there is any problem with it. Mr. Stine answered that there is a problem because there are court cases that have found that the Municipalities Planning Code (MPC) definitions are mandatory. He noted if the Township adopts a definition that is not the same, it is essentially void. Mr. Seeds stated that what Mr. Stine was saying is that the Board is going to be in violation of the MPC. Mr. Stine answered that the Township would not be in violation of anything but the definition and it won't have any impact because the one who controls it is the one from the MPC. Mr. Wolfe noted if you take the strict interpretation of the definition of land development in the MPC any building addition or any accessory building could be considered a land development, but this Board determined years ago that it would be a difficult standard for property owners to meet causing extra costs in development of small additions and accessory buildings, and as a result the Board developed a hybrid definition of land development in its SALDO which Dauphin County has always said did not meet the strict terms and conditions of the MPC; however, we have used it in Lower Paxton Township to limit the exposure of property owners to regulations that the Board does not believe need to be imposed.

Mr. Seeds noted that staff is recommending the change. Mr. Wolfe answered that is correct.

Mr. Hawk noted over the next couple of years you will see some changes in the permitting process for land development as the State Planning Board is looking to shorten the permit process from 500 days to 135 days. He noted that you will see changes in this whole area.

Mr. Seeds noted if someone wants to put a shed or garage in their backyard they wouldn't need a permit if it was less than 1,000 square feet. Mr. Wolfe noted from a residential standpoint no, but if it is a commercial use that could be under the strict interpretation of the MPC, that

would be a land development. Mr. Seeds questioned how this ordinance affects that. Mr. Wolfe noted that it would have to be over 1,000 square feet before it would be a land development. Mr. Seeds questioned if that is for commercial and residential. Mr. Wolfe answered, not residential. Mr. Stine explained that residential does not require a land development plan as long as it is a single family, but if it is a multi-family then it would.

Mr. Crissman questioned with the words, “or any accessory farm building”, if the land is the land, does it matter whether it is farm or otherwise. He noted that Mr. Stine explained to him that it needs to be there because the same language is included in the MPC. He noted that it is a redundancy of language. Mr. Wolfe noted that he almost changed that in writing this ordinance amendment but then thought better of it because of the MPC.

Mr. Crissman made a motion to approve Ordinance 2013-06; amending the definition of land development within the SALDO Chapter 180 of the codified ordinances presented by Mr. Wolfe. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolution 13-36; setting certain fees for the elected Tax Collector

Mr. Hawk noted that the tax collector is an elected position and not an appointed position by the Board of Supervisors.

Mr. Wolfe noted that Resolution 13-36 sets the fees for the elected tax collector for certain items, fees for a returned check of \$30; a tax certification fee of \$10; a duplicate bill fee of \$5; and printing a new tax bill of \$2.50. He noted that the Board of Supervisors is required, under State Law, to set the fees of the elected tax collector. He noted that the codified ordinance attached to the Board's meeting packet indicates that Article 3 of Chapter 185 sets how the fees by the Board of Supervisors for the tax collector are set and they can be done by resolution. He

noted that given that these are the fees currently charged by the tax collector it is his recommendation that the Board adopt this resolution tonight to set the fees accordingly.

Mr. Crissman noted that it is very straight forward in that the tax collector, upon request, provided the information that was necessary to put before the Board in a resolution. Mr. Crissman moved to adopt Resolution 13-36; setting certain fees for the elected tax collector. Mr. Blain seconded the motion. Mr. Blain wanted to thank Janis Creason, Dauphin County Tax Treasurer, for bringing this to his attention. Mr. Hawk called for a voice vote and a unanimous vote followed.

Resolution 13-37; accepting the Minimum Municipal Obligations
for the police and non-uniformed employees pension plans

Mr. Wolfe noted that this action is required to be taken by the Board before the end of September as per PA Act 205 to begin the budget process. He noted that the actuary for the Township's two employee pension plans has prepared what is known as the Minimum Municipal Obligation (MMO), that being the amount that Lower Paxton Township is responsible to fund the employee pension plans in 2014. He noted that the amount computed by the actuary for the police pension plan is a MMO of \$868,304 and for the non-uniformed employee pension plan it is \$728,949. He noted that the Board is required by Act 205 to take action in regards to the MMO. He noted that the total of the two MMO's is over \$1.5 million and a significant portion, roughly two-thirds of it is funded by the State Act 205 funds which the Township will receive in October of this fiscal year.

Mr. Blain questioned what the increase in this year's MMO from 2012 was. Mr. Wolfe explained that the 2013 MMO for the police was \$856,605, and for the non-uniformed fund it was \$708,378.

Mr. Seeds questioned if this is part of the smoothing process the State came up with years ago. Mr. Blain noted that the actuary, as part of their criteria, provides smoothing to

prevent a big spike in the event the Township would have a significant reduction in its investment accounts.

Mr. Hawk noted that Mr. Wolfe stated that the MMO for 2012 for the police was \$856,605 and for the non-uniformed plan it was \$708,378. Mr. Blain noted that the net is about the same.

Mr. Crissman made a motion to approve Resolution 13-37; accepting the MMO for the police and non-uniformed employees pension plans as presented by Mr. Wolfe. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Improvement Guarantees

Meadowview Village

An extension and 10% increase in a bond with Lexon Insurance Company, in the amount of \$71,606.60, with an extension date of September 17, 2014.

Meadowview Office Building

An extension and 10% increase in a bond with Lexon Insurance Company, in the amount of \$75,934.84, with an extension date of September 17, 2014.

Kendale Oaks, Phase IV

A new letter of credit with M&T Bank, in the amount of \$1,519,716.55, with an extension date of September 17, 2014.

Sunnyhill Farms - North

A release of an escrow with Lower Paxton Township in the amount of \$6,844.67.

Mr. Blain made a motion to approve the four improvement guarantees. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote and a unanimous vote followed.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township, Lower Paxton Township Authority, Lower Paxton Township Purchase Card and Lower Paxton Township Authority Purchase Cards. Mr. Crissman seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting, and the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary